REMARKS

Claims 1-22 were presented for examination and were pending in this application. In the latest Office Action, claims 1-22 were rejected. With this amendment, claims 1, 12, 13, and 16 are amended, and new claims 23-27 are added. On the basis of the following remarks, consideration of this application and the early allowance of all pending claims are requested.

I. Information Disclosure Statement

In the Office Action, the examiner objected to the information disclosure statement (IDS) filed on May 21, 2002 on the ground that it did not include a copy of each of the cited references. As explained in Applicants' Amendment A in the present case, the May 21, 2002 IDS did comply with 37 C.F.R. § 1.98(d) because Applicants were not required to provide copies of the references. The rules do not require submission of copies where, as here, the references were previously submitted to the Office in an earlier application that is (1) properly identified in the IDS and (2) relied on for an earlier effective filing date under 35 U.S.C. § 120. Applicants thank the examiner for agreeing over the phone to consider each of the references in the May 21, 2002 IDS and indicate the same on the record.

II. Improper Final

The examiner indicated in the Office Action that the rejection has been made final. Applicants note that, under MPEP 706.07(a), an Office Action cannot be made final if it includes a rejection, on newly cited art, of a claim that has not been amended. In this case, original claim 20 was rejected over the newly cited reference Gerszberg. Accordingly, Applicants respectfully request that the examiner withdraw the finality of the Office Action.

III. Claim Rejections

Claims 1-22 were rejected as anticipated by U.S. Patent No. 6307839 to Gerszberg et al. Based on the following, Applicants respectfully assert that Gerszberg does not disclose or suggest each and every limitation of the claims.

Claim 20 recites a superframe structure that "contain[es] a plurality of network frames, each network frame containing a plurality of low-level frames, each low-level frame containing the voice and data traffic in their allocated timeslots." As illustrated for example in FIGS. 11A-C, the claimed multi-level superframe structure arranges the data in a format not described in the cited art, enabling improved performance over prior systems. As the specification explains:

> This minimizes the offset or peak delay on the DS0 voice channels. If the pad bits were simply grouped in the superframe pad field, the transmission of this field would take a long time at low bit rates, causing increased delay on the DS0 data. Likewise, the superframe framing bits are spread throughout the superframe in 12-bit fields for each 1-KHz frame. This makes the timeslots occur at a more even rate.

(Specification, p. 14, lines 21-27.) Moreover, the specification explains another benefit enabled by the claimed superframe structure, which allows pad bits to be combined at different levels of the structure:

> The combination of the three levels of pad bits is used to adjust the superframe's length to exactly 6 milliseconds. Having pad bits for each level increases flexibility for different line rates when matching fixed network clocks.

(Specification, p. 13, lines 29-31.)

As the examiner correctly indicates, Gerszberg does describe a structure that it calls a "superframe," but Gerszberg's "superframe" is not the same as the claimed superframe structure. Gerszberg explains that its "superframe," shown in FIG. 6A, is simply an aggregation of a number of user data frames. (Gerszberg, col. 12, lines 58-60.) As such, the synchronization and control bits in Gerszberg can only be placed on this one level of Gerzberg's "superframe."

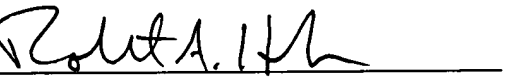
(Gerszberg, col. 12, lines 60-62.) Gerzsberg therefore does not describe the claimed superframe structure, which "contain[es] a plurality of network frames, each network frame containing a plurality of low-level frames, each low-level frame containing the voice and data traffic in their allocated timeslots." Accordingly, claim 20, and dependent claims 21-22, are novel over Gerszberg.

Claims 1, 12, 13 and 16 have been amended to recite a superframe structure similar to that claimed in claim 20. For the reasons outlined above, therefore, claims 1, 12, 13 and 16 and the claims that depend therefrom are patentable over Gerszberg.

Based on the foregoing, the application is in condition for allowance of all claims, and an early Notice of Allowance is respectfully requested. If the examiner believes for any reason direct contact would help advance the prosecution of this case to allowance, the examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,
ANTHONY J.P. O'TOOLE AND FARAJ AALAEI

Dated: June 25, 2004

By: 

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